UNITED
NATIONS

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General Assembly

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A/AC.249/1997/L.2
21 February 1997

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE ON THE
ESTABLISHMENT OF AN
INTERNATIONAL CRIMINAL COURT
11-21 February 1997

REPORT OF THE WORKING GROUP ON DEFINITION OF CRIMES

1. The Working Group recommends to the Preparatory Committee the text of the definition of the following crimes as a first draft for inclusion in the draft consolidated text of a convention for an international criminal court:

- Crime of genocide (A/AC.249/1997/WG.1/CRP.1 and Corr.1);

- Crimes against humanity (A/AC.24/1997/WG.1/CRP.5 and Corr.1).

2. The Working Group recommends to the Preparatory Committee for the text of the definition of the following crimes for further consideration at a future time:

- War crimes (A/AC.249/1997/WG.1/CRP.2 and Corr.1);

- Crime of aggression (A/AC.249/1997/WG.1/CRP.6 and Corr.1);

- [Crimes of terrorism, crimes against United Nations and associated personnel and crimes involving the illicit traffic in narcotic drugs and psychotropic substances] (A/AC.249/1997/WG.1/CRP.4 and Corr.1).

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PREPARATORY COMMITTEE ON THE
ESTABLISHMENT OF AN INTERNATIONAL
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11-21 February 1997

REPORT OF THE WORKING GROUP ON GENERAL PRINCIPLES OF CRIMINAL LAW AND PENALTIES

1. The Working Group recommends to the Preparatory Committee the text of the following articles concerning general principles of criminal law as a first draft for inclusion in the draft consolidated text of a convention for an international criminal court:

Nullum crimen sine lege (A/AC.249/1997/WG.2/CRP.1);

Non-retroactivity (A/AC.249/1997/WG.2/CRP.1);

Individual criminal responsibility (Personal jurisdiction) (A/AC.249/1997/WG.2/CRP.2);

Irrelevance of official position (A/AC.249/1997/WG.2/CRP.2/Add.1);

Individual criminal responsibility (A/AC.249/1997/WG.2/CRP.2/Add.2);

Command responsibility (A/AC.249/1997/WG.2/CRP.3);

Mens rea (Mental elements of crime) (A/AC.249/1997/WG.2/CRP.4);

Actus reus (act and/or omission) (A/AC.249/1997/WG.2/CRP.5);

Mistake of fact or of law (A/AC.249/1997/WG.2/CRP.6);

Age of responsibility (A/51/22, vol. II, part 3 bis, article E);

Statute of limitations (A/51/22, vol. II, part 3 bis, article F).

2. The Working Group did not have time to consider articles L to T, contained in part 3 bis of the report of the Preparatory Committee,[1] nor section 2 thereof, nor the question of penalties.[2]

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[1] Official Records of the General Assembly, Fifty-first session, Supplement No. 22A (A/51/22), vol. II.

[2] Ibid., part 5.